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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: HERLA

In re Application of:)	
MAX HERLA)	
Appl. No.: 10/820,441)	Group Art Unit: 3654
Filed: April 8, 2004)	
For: SPINDLE FOR A MACHINE TOOL WITH IMPROVED TOOL EJECTION FEATURE))	

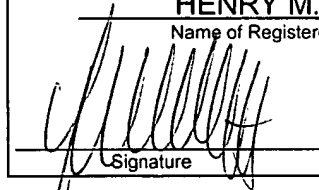
SECOND INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on **September 8, 2004**.
(Date)

HENRY M. FEIEREISEN

Name of Registered Representative



Signature

9-8-2004

Date of Signature

S I R:

In accordance with 37 C.F.R. 1.56, applicant wishes to call the attention of the Examiner to the following references A) to C) which were cited in the European Search Report issued by the European Patent Office with regard to the corresponding European patent application No. Ep 04 00 5876. Applicant does not admit that any of the cited documents constitutes prior art against the pending application.

	Country:	Patent or Appl. No:	Patentee or Applicant:	Issue or Filing Date:
A)	USA	5,033,922 A	Watanabe et al.	07-23-1991
B)	Germany	DE 101 01 095 A	Praez	07-25-2002
C)	Germany	DE 199 37 447 A	Hüller Hille GmbH	02-08-2001

Copies of references A) and B) are submitted herewith along with form PTO-1449. A copy of reference C) was previously submitted in a first Information Disclosure Statement filed simultaneously with the application on April 8, 2004. The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached references have been considered and made of record.

- ☐ This Information Disclosure Statement is filed within three months of the filing date of a national application other than a continued prosecution application under 1.53(d), so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed within three months of the date of entry of the national stage as set forth in 1.491 in an international application, so that no fee under 37 C.F.R. §1.97 is due.
- ☒ This Information Disclosure Statement is filed before the mailing of a first Office Action on the merits, so that no fee under 37 C.F.R. §1.97 is due.
- ☐ This Information Disclosure Statement is filed before the mailing of a first Office Action after the filing of a request for continued examination under §1.114, so that no fee under 37 C.F.R. §1.97 is due.

☐ This Information Disclosure Statement is filed after the issuance of a first office but before issuance of a final action under §1.113, or a notice of allowance under §1.311.

☐ This Information Disclosure Statement is submitted after the mailing of a final action or a notice of allowance, but before payment of the issue fee.

☐ The undersigned submits the following statement requesting consideration of this statement:

The undersigned hereby states:

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ The fee of \$180.00 set forth in 1.17(p).

☐ The Commissioner is hereby authorized to charge the fee as set forth in 1.17(p), and any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

[] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

In order to satisfy the requirement under 37 C.F.R. §1.98(a)(3) for a concise explanation of the relevance of each item of information, applicant herewith submits a copy of the European Search Report together with a translation of the relevant pages thereof.

The above-identified application discloses and claims an invention patentable over this prior art.

Entry of the references above set forth into the file of the above application is believed to be in order and is respectfully requested.

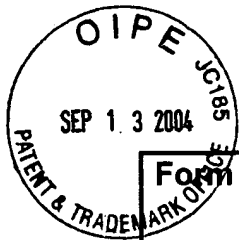
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted

By: 

Henry M. Feiereisen
Agent for Applicant
Reg. No. 31,084

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Form PTO-1449

U.S. Department of Commerce
Patent and Trademark Office**INFORMATION DISCLOSURE CITATION**

Attorney's Docket No. HERLA	Applicant Max Herla	Appl. No. 10/820,441
Filing Date April 8, 2004	Group 3654	Examiner

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date, if appropriate
	5,033,922	07-23-1991	Watanabe et al			

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation
	DE 101 01 095 A	07-25-2002	Germany			No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner:**Date considered:**

*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.